

**PUBLIC SAFETY DEPARTMENT[661]**

**Adopted and Filed**

**Rule making related to identification card replacement fees**

The Department of Public Safety hereby amends Chapter 93, “Identification Cards for Former Peace Officers of the Iowa Department of Public Safety,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in 18 U.S.C. §926C.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 18 U.S.C. §926C.

*Purpose and Summary*

The purpose of the amendment to Chapter 93 is to more accurately reflect the Department’s practice of not charging a fee to qualified former peace officers who request a replacement identification card.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 17, 2019, as **ARC 4549C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on November 1, 2019.

*Fiscal Impact*

This rule making has an extremely low fiscal impact to the State of Iowa. Although the amendment removes a fee of \$5 per replacement identification card, this fee is routinely not charged to qualified former peace officers. The Department only began printing these replacement cards in-house nine months ago and has printed three replacement cards in that time frame.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on January 8, 2020.

The following rule-making action is adopted:

Amend subrule 93.3(9) as follows:

**93.3(9)** If a qualified former peace officer of the department loses an identification card, or if a card is damaged, a replacement may be issued. The former officer shall notify the office of the commissioner of the loss or damage and may apply for a replacement card. ~~A nonrefundable fee of \$5, to defray expenses of the department, shall be charged for each application for a replacement former peace officer ID card. The fee is payable to the Iowa Department of Public Safety by personal check or money order. If loss of or damage to the former peace officer identification card occurred in an area subject to a formal disaster emergency declaration issued by the governor pursuant to Iowa Code section 29.6 and is attributable to the conditions which led to the disaster emergency declaration, no charge shall apply.~~

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